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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

SHERR, CRISTINA O

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/448,253

Applicant(s)

LOTSPIECH ET AL.

Examiner

Cristina O Sherr

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 13-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

Art Unit: 3621

1. This communication is in response to Applicant's Response filed 23 January 2003. Claims 1-8 and 13 – 24 remain pending in this action.

Response to Arguments

Applicant's arguments with respect to claims 1-8 and 13-24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al (US 2002/0004906A1).
3. Regarding claim 1 –
Rajasekharan discloses a computer-based system for inhibiting unauthorized recording of digitized music, comprising a cryptography module including logic executable by a provider computer, the logic including, for at least a segment of the music, obtaining an authorized digital signature, and then associating the authorized digital signature with the music; and a consumer module associated with a consumer music player and executable thereby to undertake logic including processing at least the segment of the music to obtain a test digital signature, and, only if the test digital signature matches the authorized digital signature, permitting at least one of: compression of the music, and recording the music, on the consumer music player (Par. 0031, 0032, 0034, 0036).

Art Unit: 3621

4. Regarding claim 2 –

Rajasekharan discloses the system of Claim 1, wherein the cryptography module derives authorized digital signatures for respective plural segments of the music, and associates the authorized digital signatures with the music (Par. 0031, 0032, 0034, 0036).

5. Regarding claim 3 –

Rajasekharan discloses the system of Claim 2, wherein the consumer module determines test digital signatures for respective plural segments of the music, the consumer module preventing at least one of. compression of the music, and recording of the music, unless a predetermined relationship exists between test digital signatures and the authorized digital signatures (Par. 0031, 0032, 0034, 0036).

6. Regarding claim 4 –

Rajasekharan discloses the system of Claim 1, wherein the music is stored in a data stream on a disk, and the authorized digital signature is associated with the music by storing the authorized digital signature on the disk, apart from the stream (Par. 0031, 0032, 0034, 0036).

7. Regarding claim 5 –

Rajasekharan discloses the system of Claim 1, wherein the music is stored in a data stream on a disk, and the authorized digital signature is associated with the music by storing the authorized digital signature on the disk as part of the stream (Par. 0031, 0032, 0034, 0036).

8. Regarding claim 6 –

Art Unit: 3621

Rajasekharan discloses the system of Claim 1, wherein the authorized digital signature is tagged with a signature date, and the consumer module processes the music using a current key or an expired key having a key date equal to or later than the signature date (Par. 0031, 0032, 0034, 0036).

9. Claims 7 - 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al (US 2002/0004906A1).

10. Regarding claim 7 –

Rajasekharan discloses a computer program storage device including a program of instructions for determining whether a request to compress and record digitized music should be honored, the program of instructions including computer readable code means for processing at least one segment of the music to obtain a test digital signature; computer readable code means for receiving an authorized digital signature associated with the music; and computer readable code means for permitting compression and recording of the music only if at least the test digital signature matches the authorized digital signature music by storing the authorized digital signature on the disk as part of the stream (Par. 0031, 0032, 0034, 0036).

11. Regarding claim 8 –

Rajasekharan discloses the device of Claim 7, further comprising: computer readable code means for determining test digital signatures for respective plural segments of the music; and computer readable code means for preventing at least one of. compression of the music, and recording of the music, unless a predetermined number or percentage of matches exist between test digital

Art Unit: 3621

signatures and authorized digital signatures music by storing the authorized digital signature on the disk as part of the stream (Par. 0031, 0032, 0034, 0036).

12. Claims 13 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al (US 2002/0004906A1).

13. Regarding claim 13 –

Rajasekharan discloses a method for facilitating the compression and storage, on a personal music player, of digitized music received on a disk in an authorized transaction, comprising the acts of recording the music on the disk along with at least one authorized digital signature derived from the music; receiving the disk; engaging the disk with a personal music player compression device; deriving at least one test digital signature from the music; and compressing the music and recording the music on the personal music player only if the test digital signature matches the authorized digital signature (Par. 0031, 0032, 0034, 0036).

14. Regarding claim 14 –

Rajasekharan discloses the method of Claim 13, further comprising the acts of deriving plural authorized digital signatures from respective segments of the music; and recording the plural authorized digital signatures on the disk (Par. 0031, 0032, 0034, 0036).

15. Regarding claim 15 –

Rajasekharan discloses the method of Claim 14, further comprising the acts of: deriving plural test digital signatures from plural segments of the music; and

Art Unit: 3621

undertaking the compressing and recording act only if a predetermined number or percentage of matches exist between test digital signatures and authorized digital signatures (Par. 0031, 0032, 0034, 0036).

16. Regarding claim 16 –

Rajasekharan discloses the method of Claim 13, wherein the authorized digital signature is stored on the disk, apart from the music (Par. 0031, 0032, 0034, 0036).

17. Regarding claim 17 –

Rajasekharan discloses the method of Claim 13, wherein the authorized digital signature is stored on the disk in the music (Par. 0031, 0032, 0034, 0036).

18. Regarding claim 18 –

Rajasekharan discloses the method of Claim 13, wherein the authorized digital signature is tagged with a signature date, and the deriving act includes processing the music using a current key or an expired key having a key date equal to or later than the signature date (Par. 0031, 0032, 0034, 0036).

19. Regarding claim 19 –

Rajasekharan discloses the system of Claim 4, further comprising a robust watermark on the disk (Par. 0031, 0032, 0034, 0036).

20. Regarding claim 20 –

Rajasekharan discloses the method of Claim 13, further comprising recording a robust watermark on the disk (Par. 0031, 0032, 0034, 0036).

21. Claims 21 - 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al (US 2002/0004906A1).

Art Unit: 3621

22. Regarding claim 21 –

Rajasekharan discloses a computer program storage device including a program of instructions for determining whether a request to compress and record digitized music should be honored, the program of instructions undertaking method acts comprising processing at least one segment of the music to obtain a test digital signature; receiving an authorized digital signature associated with the music; and permitting compression and recording of the music only if at least the test digital signature matches the authorized digital signature (Par. 0031, 0032, 0034, 0036).

23. Regarding claim 22 –

Rajasekharan discloses the device of Claim 21, wherein the method acts further comprise: determining test digital signatures for respective plural segments of the music; and preventing at least one of. compression of the music, and recording of the music, unless a predetermined number or percentage of matches exist between test digital signatures and authorized digital signatures (Par. 0031, 0032, 0034, 0036).

24. Claims 23 - 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Rajasekharan et al (US 2002/0004906A1).

25. Regarding claim 23 –

Rajasekharan discloses a method for facilitating the compression and storage, on a personal music player, of digitized music received on a disk in an authorized transaction, comprising the acts of engaging the disk with a personal music player compression device; deriving at least one test digital signature from the

Art Unit: 3621

music; and compressing the music and recording the music on the personal music player only if the at least one test digital signature matches at least one digital signature received on the disk (Par. 0031, 0032, 0034, 0036).

26. Regarding claim 24 –

Rajasekharan discloses the method of Claim 23, further comprising the acts of: deriving plural authorized test digital signatures from respective segments of the music; and comparing the test digital signatures with authorized digital signatures on the disk (Par. 0031, 0032, 0034, 0036).

27. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

29. Katz et al (US 5,926,624A) discloses a digital information library and delivery system with logic for generating files targeted to the playback device.

30. Linnartz (US 6,209,092B1) discloses a method and system for transferring content information and supplemental information relating thereto.


Art Unit: 3621

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

33. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

April 21, 2003



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